

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 14 2002

OFFICE OF
MANAGING DIRECTOR

Larry L. Schrecongost, President
Vernal Enterprises, Inc.
Post Office Box 1032
Indiana, Pennsylvania 15701

Re: Vernal Enterprises, Inc.
Request for Refund of Application Fee
Fee Control No. 9605218195242001

Dear Mr. Schrecongost:

This is in response to your April 17, 2000 request (reiterated in correspondence transmitted via facsimile on October 28, 2001) for a refund of the filing fee in connection with Vernal Enterprises, Inc.'s (Vernal's) application for new FM Channel 277 B1 facilities in Brookville, Pennsylvania. Our records reflect that you paid a filing fee of \$2,335.00.

In your request, you claim that Vernal is entitled to a refund of the filing fee because the Commission dismissed Vernal's mutually exclusive application for the new FM facilities after granting the "Joint Petition for Approval of Settlement Agreement" filed by Vernal and its mutually exclusive applicants on January 30, 1998 (Joint Petition). *See Notice of Action on FM Broadcast Settlement Agreements and Applications*, Report No. 44221A (released Apr. 16, 1998) (*April 16 Notice of Action*). You state that Robert M. Stevens (Stevens), a mutually exclusive applicant with Vernal for the Brookville, Pennsylvania facilities and a participant (with Vernal) in the Joint Petition, was granted a refund of his filing fee after his application was dismissed (along with Vernal's application) in the *April 16 Notice of Action*. *See* Letter from Mark Reger, Chief Financial Officer, Office of Managing Director, to Lee J. Peltzman, Esq., Shainis & Peltzman, Chartered (dated Jul. 15, 1999) (*July 15 Letter Decision*) (granting Stevens's October 19, 1998 request for a refund of application filing fees for a new FM station at Brookville, Pennsylvania); *Public Notice*, Fee Decisions of the Managing Director, DA 00-275, 15 FCC Rcd 2826 (released Feb. 14, 2000) (announcing the July 15, 1999 grant of Stevens's refund request). Despite the fact that your request was filed two years after the settlement agreement was approved, you contend that a grant of Vernal's request for a refund of its application filing fee would be consistent with the Commission's grant of Stevens's refund request in the *July 15 Letter Decision*.

In *Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, First Report and Order*, 13 FCC Rcd 15920 (1998) (*Competitive Bidding First Report and Order*), the

EXHIBIT #1 P 1

Commission decided to exercise its discretion under Section 309(l) regarding comparative licensing cases and to resolve such cases by a system of competitive bidding pursuant to its newly authorized auction authority for commercial broadcast licenses. The Commission also determined to refund the filing fees paid by any applicant to a pending comparative proceeding that elected not to participate in the auction. *Id.* at para. 101.¹ The Commission, however, determined that it would not refund filing fees paid by applicants participating in the auction that were outbid by a competing applicant. *Id.* at para. 103. The Commission explained that it was taking the "extraordinary step" of refunding filing fees paid by those applicants not participating in the auction in recognition of the fact that "these applicants might not have filed their applications if they had known the permit would be awarded by *competitive bidding*." *Id.* (emphasis added); *see also id.* at para. 104 ("the refund is premised on the fact that applications, filed in anticipation of a comparative hearing, are now decided by auction"). As explained in *Public Notice, Notice of Mass Media Bureau Action on AM and FM Broadcast Settlement Agreements and Applications; Notice of Amendment Requirements in Pending Settlements*, Report No. 44629A, footnote 2 (released: Dec. 10, 1999), the Commission's decision in the *Competitive Bidding First Report and Order* to refund previously-paid application filing fees thus contemplates such refunds in circumstances where a permit is ultimately awarded *pursuant to the auction process*, not where a permit is awarded as a result of a settlement agreement among competing applicants.² We therefore find that under the circumstances, a grant of Vernal's request for a refund of its application filing fees would be inconsistent with the Commission's decision in the *Competitive Bidding First Report and Order*. We therefore deny Vernal's request for a refund of the filing fees in connection with its application for new FM Channel 277 B1 facilities in Brookville, Pennsylvania. To the extent that the decision in the *July 15 Letter Decision* may be inconsistent with our determination here, it appears that decision was in error.

¹ *See also id.* at para. 102 (stating that to be eligible for a refund of application filing fees, "[o]n or before the date for filing a[n FCC Form 175] short-form application [which indicated the applicant's intent to participate in the upcoming relevant auction], pending applicants in all comparative licensing cases subject to resolution by competitive bidding pursuant Section 309(l) may file a pleading disavowing any interest in participating in the auction and seeking the dismissal of their applications[;]" once the dismissal of any such application became final, the Commission would entertain requests for refunds of filing fees paid by applicants).

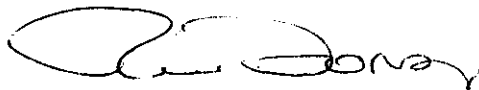
² *See also id.* ("to the extent Settlements contain provisions requesting that the Commission refund previously paid filing fees, those provisions are inconsistent with the Commission's decision in the auction proceeding concerning filing fee refunds"; "refund requests purportedly embodied in, filed in conjunction with, or filed pursuant to settlement provisions, warrant no further consideration"). We note that section 73.3525 of the Commission's rules in effect at the time of the filing of the instant settlement agreement permitted reimbursement of dismissing applicants' previously-paid application filing fees. *See id.*

Mr. Larry L. Schrecongost

3.

If you have any questions concerning this matter, please call the Revenue & Receivables Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger".

 Mark A. Reger
Chief Financial Officer

EXHIBIT #1 P 3



Good Tym Radio!

April 17, 2000

EXHIBIT #2 P 1

Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

ATTN: Managing Director

IN RE: Request for Fee Refund

Dear staff:

Vernal Enterprises, Inc., ("Vernal"), herewith requests a refund of its application fee of \$2335.00, in connection with its **dismissed** 301 Application filed for new FM Channel 277 B1 facilities at Brookville, PA (Fee code MTR, BPH-960520MD).

Please be advised that Vernal was a mutually exclusive applicant for the stated Brookville facilities, then participated in a Joint Petition for Approval of Settlement Agreement ("Joint Agreement") filed on January 30, 1998 pursuant to the Balanced Budget Act of 1997, Pub. L. 33, 111 Stat. 251 (1977) ("Balanced Budget Act").

The Joint Agreement was granted by the Commission by public notice (copy attached) released April 16, 1998 (Report No. 44221A). The Joint Agreement dismissed Vernal's stated application and granted that of mutually exclusive applicant Renda Radio, Inc.

Accordingly, Vernal contends that it is eligible for a full refund of its \$2335.00 application fee and requests a prompt Commission refund. [See Implementation of Section 309(j) of the Communications Act Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957(1998); see also 47 C.F.R. 1.1113(a)(4).]

Please communicate directly with the undersigned if additional information is required.

Very truly yours,

Larry L. Schrecongost
President, Vernal Enterprises, Inc.

Attachment

P.O. Box 371, Kittanning, PA 16201
724/543-1380 Fax: 724/543-1140

PUBLIC NOTICE
 FEDERAL COMMUNICATIONS COMMISSION
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NOTICE OF ACTION ON FM BROADCAST SETTLEMENT
 AGREEMENTS AND APPLICATIONS

Report No. 44221A

Released: 16 April 19

We have received a Joint Petition for Approval of Settlement Agreement for each of mutually exclusive applications for FM construction permits listed below ("Settlement"). These Settlements were filed pursuant to the Balanced Budget Act of 1997, Pub. L. 105-33, 111 Stat. 251 (1997) ("Balanced Budget Act").

All applicants have complied with the relevant requirements of the Communications Act of 1934, as amended. Further, each of the applications granted below either conforms with or waives any relevant Commission rules. See Balanced Budget Act; Gonzo Broadcasting, Inc., 12 FCC Rcd 12253, 12555-56 (1997).

Accordingly, for each community of license listed below the Joint Petition for Approval of Settlement Agreement IS GRANTED and for:

SMITHS, AL

Cumulus Licensing Corp.'s application (original applicant - Smiths Broadcasting, L.P.) (File No. BPH-930301MG) IS GRANTED;
 Smiths Station Broadcasting's application (File No. BPH-930301MH) IS DISMISSED;
 Dan D. Greene's application (File No. BPH-930301MI) IS DISMISSED;
 Cheryl Davis's application (File No. BPH-930301MF) IS DISMISSED;
 Arthur C. & Margaret R. Angell's application (File No. BPH-930302MJ) IS DISMISSED;
 Shirley A. Caswell's application (File No. BPH-930226MD) IS DISMISSED.

ATKINS, AR

KVOM, Inc.'s application (File No. BPH-950724MB) IS GRANTED;
 Stephen A. Womack's application (File No. BPH-950724MF) IS DISMISSED.

EL DORADO, AR

Jerome Orr's application (File No. BPH-970116MA) IS GRANTED;
 Three Guys Radio Partnership's application (File No. BPH-970115MA) IS DISMISSED.

HARRISBURG, AR

Mid-South Sing's application (File No. BPH-941215MC) IS GRANTED;
 Bobby Caldwell's application (File No. BPH-941214MC) IS DISMISSED;
 Todd P. Robinson's application (File No. BPH-941216MA) IS DISMISSED.

HATFIELD, AR

Bobby Caldwell's application (File No. BPH-961031MB) IS GRANTED;
 Jay W. Bunyard & Edward W. Stevenson's application (File No. BPH-961031MC) IS DISMISSED;
 Natural Communications, LLC's application (File No. BPH-961101MB) IS DISMISSED.

MENA, AR

Bobby Caldwell's application (File No. BPH-970220MI) IS GRANTED;
 Jay W. Bunyard's application (File No. BPH-970221MA) IS DISMISSED;
 Natural Communications, LLC's application (File No. BPH-970220MN) IS DISMISSED.

LAKE HAVASU CITY, AZ

Rick L. Murphy's application (File No. BPH-950828MG) IS GRANTED;

Beehive Entertainment Corporation's application (File No. BPH-960826MN) IS DISMISS

NEWPORT, OR

Yaquina Bay Communications, Inc.'s application (File No. BPH-960429ME) IS GRANTED
Eric Dausman & Gina Jones d/b/a Whale B/cast. Co.'s application (File No. BPH-9605
Stewart Broadcasting, Inc.'s application (File No. BPH-960507M2) IS DISMISSED;
Hubert G. Timmerman's application (File No. BPH-960507MJ) IS DISMISSED;
Q Media, LLC's application (File No. BPH-960508MD) IS DISMISSED;
Thomas D. Hodgins' application (File No. BPH-960507M4) IS DISMISSED;

BARNESBORO, PA

Vernal Enterprises, Inc.'s application (File No. BPH-960520ME) IS GRANTED;
Dubois Area B/casting Co., Inc.'s application (File No. BPH-960516MA) IS DISMISSED
Robert M. Stevens' application (File No. BPH-960517MA) IS DISMISSED;
B.S. Broadcasting, Inc.'s application (File No. BPH-960520MI) IS DISMISSED.

BROOKVILLE, PA

Renda Radio, Inc.'s application (File No. BPH-960516MB) IS GRANTED;
Strattan Broadcasting, Inc.'s application (File No. BPH-960516MC) IS DISMISSED;
Vernal Enterprises, Inc.'s application (File No. BPH-960520MD) IS DISMISSED;
Magnum Broadcasting, Inc.'s application (File No. BPH-960520MM) IS DISMISSED;
B.S. Broadcasting, Inc.'s application (File No. BPH-960521MC) IS DISMISSED;
Robert M. Stevens' application (File No. BPH-960520MC) IS DISMISSED;
Priority Communications, Inc.'s application (File No. BPH-960521ML) IS DISMISSED.

CROSS HILL, SC

Southeastern B/cast Associates, Inc.'s application (File No. BPH-961121MA) IS GRAN
Douglas M. Sutton, Jr., d/b/a Sutton Radiocasting Co.'s application (File No. BPH-

CLEAR LAKE, SD

Danial Sorenson's application (File No. BPH-970627MA) IS GRANTED;
Lac Qui Parle Broadcasting Co., Inc.'s application (File No. BPH-970619MD) IS DISM
Robert Lynn Faehn's application (File No. BPH-970624MJ) IS DISMISSED;
Three Eagles of Brookings, Inc.'s application (File No. BPH-970626MH) IS DISMISSED
Christensen Broadcast Group, Inc.'s application (File No. BPH-970630ME) IS DISMISS

HENRY, TN

Benton-Weatherford B/casting, Inc. of TN's application (File No. BPH-970206MB) IS
Forked Deer Broadcasting, Inc.'s application (File No. BPH-970206MC) IS DISMISSED.

NORRIS, TN

Newko, LLC's application (original applicant - JP Broadcasting)
(File No. BPH-950512MD) IS GRANTED;
Freeman Broadcasters's application (File No. BPH-950505MC) IS DISMISSED;
Russell H. Castel's application (File No. BPH-950511MN) IS DISMISSED;
Carrie Ann Tuter's application (File No. BPH-950510MG) IS DISMISSED;
Michael J. Benns' application (File No. BPH-950510MH) IS DISMISSED;
Powell-Clinton Broadcasting, Inc.'s application (File No. BPH-950511MC) IS DISMISS
Ronald C. Meredith, Jr.'s application (File No. BPH-950502MD) IS DISMISSED.

PARKER'S CROSSROADS, TN

Crossroads Broadcasting's application (File No. BPH-970204MA) IS GRANTED;
Forked Deer Broadcasting, Inc.'s application (File No. BPH-970206MD) IS DISMISSED.

BORGER, TX

Zia Broadcasting Company's application (File No. BPH-950213MC) IS GRANTED;
Romero Broadcasting's application (File No. BPH-950213MJ) IS DISMISSED.

GREGORY, TX

BK Radio's application (File No. BPH-951108MR) IS GRANTED;
Humberto L. Lopez d/b/a Wildcat B/casting's application (File No. BPH-951109ML) IS
Gerald Benavides' application (File No. BPH-951018MA) IS DISMISSED;
Carl Como Tuter's application (File No. BPH-951107MA) IS DISMISSED;

Nancy Schrecongost

From: "Nancy Schrecongost" <larry@twd.net>
To: <dbarger@mindspring.com>
Sent: Wednesday, March 22, 2000 9:39 PM
Subject: Fcc web page info attached re filing fee refund. Stevens' Brookville info is about 3/4 into page. -- Larry S. da000275.txt

0 News media information 202 / 418-500 Fax-On-Demand 202 / 418-2830 Internet:
<http://www.fcc.gov> <ftp.fcc.gov> 1 PUBLIC NOTICE Federal Communications Commission
 445 12th Street N.W. Washington, D.C. 20554 DA 00-275

Before the Federal Communications Commission Washington, D.C. 20554 PUBLIC NOTICE Released: February 14, 2000 FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record. The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists. The following Managing Director fee decisions are released for public information: Abacus Communications Company - Request for refund of a filing fee submitted in connection with its applications for special temporary authority for W28AS at Wheeling, WV. Granted. (July 15, 1999) ACME Television, LLC. - Request for refund of application fee for Acme Television, LLC at. Denied. (November 18, 1999) Aerial Communications, Inc. - Request for waiver and deferment of FY 1999 regulatory fees for Aerial Communications, Inc. at Chicago, IL. Denied and granted respectively. (December 9, 1999) [See Implementation of Section 9 of the Communication Act, 10 FCC Rcd 12759, 12762 (1995); See also, Implementation of Section 9 Communications Act, 9 FCC Rcd 5333, 5345 (1994).] ARDIS Company - Request for refund and waiver or reduction of late charge penalty payment of FY 1998 regulatory fees for ARDIS Company at Lincolnshire, IL. Denied. (November 18, 1999) Bisbee Mountain Translator Association - Request for deferment and waiver of the FY 1998 regulatory fees on KO8HY, K10GJ, and K131Q at Colville, WA. Granted. (December 7, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257, 16, released June 22, 1995.] BK Radio - Request for refund of application fee for BK Radio at Wake Village, TX. Granted. (September 16, 1999) [See Implementation of Section 309(j) of the Communications Act Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957 (1998); see also 47 C.F.R. 1.1113(a)(4).] Bonneville Holding Company - Request for permanent reduction of regulatory fee for KCSG-TV at Cedar City, UT. Denied. (December 17, 1999) [See Implementation of Section 9 Communications Act, 9 FCC Rcd 5333, 5345 (1994).] Booth American Company - Request for reconsideration dated September 15, 1998 for Booth American Company at Detroit, MI. Denied. (July 15, 1999) [See Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 9 FCC Rcd 5333, 5351-52 (1994); See also 47 C.F.R. 1.1106(7).] Brunson Communications - Request for waiver or refund of regulatory fee. Dismissed. (December 7, 1999) Cellular Unreserved Areas - Request for refund of application fees for Cellular Unreserved Areas at Los Angeles, CA and Minneapolis, MN. Denied. (December 20, 1999.) [See Establishment of a Fee Collection Program to Implement the Provision of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947, 949 (1987).] Citizens Communications - Request for waiver of the late penalties for certain FY 1996 and 1997 regulatory fees for Citizen Communications at Dallas, TX. Denied. (June 22, 1999) [See 47 U.S.C. 159 (c) (1).] Colorado Communications, Corp. - Request for reduction of FY 1998 regulatory fee for KBNO at Denver, CO. Dismissed. (April 20, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd

12759 (1995); see also 10 FCC Rcd at 12761-2762.] Columbia Communications, Corp. - Request for payment of interest on portion regulatory fees refunded for FY 1994 through FY 1998. Denied. (November 18, 1999) [See 47 U.S.C. 159.] Costa de Oro Television, Inc. - Request for refund filing fee for KSTV-TV at Ventura, CA. Granted. (July 13, 1999) [See 47 C.F.R. Section 1.1104(h) and 1.1113 (a)(1).] Dietz, Lester J. - Request for waiver of the regulatory fee for Lester J. Dietz at North Mendocino County, CA. Denied. (August 10, 1999) [See Implementation of Section 9 Communications Act, 10 FCC Rcd 12759, 12762 16 (1995).] Estate of Quinton W. Goode. - Request for waiver of filing fee. Denied. (July 15, 1999) [See 47 C.F.R. 1.1115 (c) (d), 1.1113 and 1.1117 (a); See also Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994).] First Greenville Corporation - Request for waiver and refund of the FY 1994, 1995, 1996, 1997, and 1998 regulatory fee for KGVV and KIKT-FM at Greenville, TX. FY 1994-1997 were Dismissed. FY 1998 was Granted. (December 7, 1999) [See 47 C.F.R. 1.1166(c). See also, Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).] Florida Media Broadcasters, Inc. - Request for waiver of FY 1998 regulatory fee for WNTD at Daytona, FL. Dismissed. (September 16, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.] Garden Valley Telephone Company - Request for a refund of the FY 1994 and 1995 regulatory fee for Garden Valley Telephone Company at Erskine, MN. Granted. (September 13, 1999) Giannettino, John - Request for waiver of FY 1997 regulatory fee for KCPS-AM at Burlington, IA. Denied. (September 16, 1999) [See Report and Order In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1997, MD Doc No. 96-186, 12 FCC Rcd. 17161 (1997).] Hancock Broadcasting - Request for defer payment of the FY 1997 regulatory fees for WBSL at Bay St. Louis, MS. Denied. (May 14, 1999) Happy Broadcasting Company - Request for waiver of regulatory fee for WPWC at Dumfries, VA. Denied. (December 1, 1999) [See 47 C.F.R. 1.1164 and 1.1166.] Happy Broadcasting Company - Request for waiver of the FY 1997 regulatory fee for WPWC at Dumfries, VA. Dismiss. (May 11, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.] Heartland Communications - Request for refund of the application fee for a new FM Radio Station. Denied. (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).] I-Link Communications, Inc. - Request for extension of time of the FY 1998 regulatory fees for I-Link Communications, Inc at Phoenix, AZ. Denied. (June 22, 1999.) [See 47 U.S.C. 159 (c) (1).] Jasas Broadcasting, 27, LP - Request for reduction and partial refund of the FY 1996, 1997, and 1998 regulatory fees for WUNI at Worcester, MA. Denied. (May 14, 1999) Jones College - Request for waiver of the late penalty payment of the FY 1998 regulatory fees for WKTZ and WJAX at Jacksonville, FL. Denied. (December 17, 1999) KCCB - Request for waiver of FY 1998 regulatory fees for KCCB at Corning, AR. Granted. (September 16, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257 15 released June 25, 1995.] KCLJ-TV - Request for waiver of the late penalty payment for FY 1998 regulatory fee for KCLJ-TV at Neosha, MO. Granted. (May 4, 1999) KGVV - Request for refund of the FY 1998 regulatory fee for KGVV at Green Valley, AZ. Granted. (December 7, 1999) King Broadcasting - Request for reduction and partial refund of the FY 1994, 1995 and reduction of FY 1997 regulatory fees for KBIM at Rosewell, NM. Granted. (June 22, 1999) KJOP-AM - Request for waiver of the FY 1998 regulatory fee for KJOP-AM at Leemore, CA. Dismiss. (May 4, 1999) KMFG-FM - Request for reduction of waiver of FY 1998 regulatory fee for KMFG-FM at Nashwauk, MN. Denied. (May 4, 1999) KRZI and KEYR - Request for waiver of the FY 1997 regulatory fees for KRZI and KEYR at Waco, TX. Denied. (December 10, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).] KTC Broadcasting, Inc. - Request for partial refund of the FY 1997 regulatory fees for WGNC at Gastonia, NC. Denied. (April 20, 1999) L M Communications, Inc. - Request for waiver of late penalty for FY 1998 regulatory fees for WYBB-FM, WNST-FM, WLXG-AM, and WGKS-FM at Charleston, SC. Denied. (April 20, 1999) [See 47 U.S.C. 159 (c) (1).]

Lampasas Radio. - Request for waiver of FY 1997 regulatory fees for KCYL-AM at Lampasas, TX and for the construction permit for KACQ-FM at Lomata, TX, and for an associated Radio auxiliary Station. Denied. (September 16, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345-34, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995), 12764 (1995).] Las Raices Pepinianas, Inc. - Request for a deferment and reduction of the FY 1997 regulatory fees for WLRP-AM at San Sebastian, PR. Dismissed. (June 22, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also 10 FCC Rcd at 12761-2762.] Lonerock Television Company - Request for waiver of the FY 1998 regulatory fees for Lonerock Television Company at Condon, OR. Denied. (November 18, 1999) [See Implementation of Section 9 of the Communication Act, 9 FCC Rcd 5333, 5345 (1994).] Long Family Partnership - Request for waiver of the FY 1998 regulatory fees for Lonerock Television Company at Condon, OR. Denied. (November 18, 1999) [See Implementation of Section 9 of the Communication Act, 9 FCC Rcd 5333, 5345 (1994).] Mark Media, Inc. - Request for a reduction and partial refund of FY 1997 regulatory fee for WKYK at Burnsville, NC. Denied. (April 20, 1999) Middleton Radio - Request for refund of application fee for a new FM radio station. Denied. (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).] Migala Communications, Inc. - Request for waiver of FY 1997 and FY 1998 regulatory fee for WCEV at Cicero, IL. Denied. (October 26, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 (1994), 10 FCC Rcd 12759, 12764 (1995). See also, 47 C.F.R. Section 73.21.] Mountain Valley Media, Inc. - Request for a reduction and partial refund of the FY 1997 regulatory fees for WTOE at Spruce Pine, NC. Denied. (August 10, 1999) Multimedia, Inc. - Request for refund of the FY 1998 regulatory fee for KNAZ-TV at Flagstaff, AZ. Granted. (July 15, 1999) New Age General Partners - Request for refund of the filing fee filed by Romulus Engineering. Granted. (June 15, 1999) [See 47 C.F.R. Section 1.1113 (a)(4); Establishment of a Fee Collection Program to Implement the Provision of the Consolidated Omnibus Reconciliation Act 1985, 2 FCC Rcd 947, 950 (1987), reconsidered in part, 3 FCC Rcd 5987, 5988 (1988); see also Amendment of the Commission's Rules Regarding Multiple Address System, 13 FCC Rcd 17954 (1998); Refund of Application Fees for 932-932.5/941-941.5 MHz Multiple Address System Applications, (October 1, 1998) (WESTLAW library) ("Public Notice").] Northeast Radio, Inc. - Request for waiver of FY 1998 regulatory fee for AM Radio Station WCAP, Lowell, MA. Denied. (October 26, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.] Orbital Communication Corporation, Inc. - Request for reduction of the FY 1998 regulatory fees. Denied. (June 22, 1999) [See Assessment and Collection of Regulatory Fees for Fiscal Year 1997, FCC 97-215 73-75 (June 26, 1997); see also 47 C.F.R. 1.1164 (c) and (d).] PanAmSat Licensee Corp. - Request for waiver of application fee for PAS-10 Ka-band and waiver of the application fee for PAS-12 C/Ku band satellites. Denied. Request for waiver of application fee for PAS-21, a hybrid C/Ku band satellite that will be collocated with PAS-6 at 68.5 E.L. Denied. Request for refund of eight of eleven GSO satellites. Denied. Request for refund of three of eleven GSO satellites. Granted. (July 15, 1999) Paxson-Decatur License, Inc. - Request for refund of the FY 1998 regulatory fees for WPXU (TV) Denied. (July 15, 1999.) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759 (1995), the Commission amended Section 1.1162(c) of the Rules, 47 C.F.R. 1.1162(c); See also 47 C.F.R. 1.1162(c) (1) and (2).] Phillips Broadcasting Co. Inc. - Request for refund of the filing fee submitted with application for extension of Construction Permit. Denied. (November 18, 1999) [See The Report and Order ("Streamlining of Mass Media Applications, Rules, and Processes"), MM Docket No. 98-43, FCC 98-281 (Released Nov 25, 1998).] Ponce Broadcasting Corp. - Request for waiver or reduction of FY 1998 regulatory fees for Puerto Rican Radio Stations, WZAR- FM, WLEO-AM, WKFE-AM, WLEY-AM, and WZUR-AM. Denied. (September 26, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).] Pro-Radio, Inc. - Request for waiver of FY 1997 regulatory fee for WFAD-AM and WMNM-

FM at Middlebury, VT. Granted. (October 19, 1999.) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762, Section 14 (1995).] Reading Broadcasting, Inc. - Request for reduction of FY 1998 regulatory fee for WTVE at Reading, PA. Granted. (May 4, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).] Skytel Corp. - Request for waiver of "per call sign" fee. Denied. (September 16, 1999) [See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 9 FCC Rcd 6957, 6970 (1994) (the Commission applied the analysis of the Section 8 (d)(2) standard to its discussion of the Section 9(d) waiver). See In the Matter of Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989, 5 FCC Rcd 3558, 3574 (1990). See also Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Reconciliation Act of 1985, 2 FCC Rcd 961 (1987).] Socorro Satellite Systems - Request for partial waiver of the FY 1998 regulatory fees. Denied. (December 17, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).]

Stevens, Robert M. Request for refund of the application fees for a new FM station at Brookville, PA. Granted. (July 15, 1999) [See Implementation of Section 309(j) of the Communications Act Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957(1998); see also 47 C.F.R. 1.1113(a)(4).] Television Properties, Inc. - Request for partial waiver of the FY 1998 regulatory fees for WHCP-TV at Portsmouth, OH. Denied. (May 14, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).] TelQuest Satellite Services, LLC - Request for fee determination in connection with its application to deploy multiple technically identical receive-only earth stations. Determined. (July 6, 1999) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act 1985. 2 FCC Rcd 947, 948, and 961 (1987); see Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States. IB Docket 96-11 (Released May 14, 1996) (80); see also 47 C.F.R. 1.1117 and 1.107 (6)(a). Section 0.231(a) of the Commission's rules.] TSR Wireless, LLC. - Request for refund of filing fee for call sign KNKB250. Granted. (December 20, 1999) Turnpike Television - Request for refund of filing fee. Granted. (July 15, 1999) [See Establishment of a Fee Collection Program. 2 FCC Rcd 947, 949 (1987), recon. Denied, 3 FCC Rcd 5987 (1988); see also, 47 C.F.R. 1.1113(a).] United Broadcasting Enterprise, Inc. - Request for partial refund of the FY 1997 regulatory fees for WISE at Asheville, NC and WTZQ at Hendersonville, NC. Denied. (April 20, 1999) V.I. Stereo Communications Corp. - Request for waiver of FY 1998 regulatory fees for WVIS at Christiansted, St. Croix, U.S.V.I. Dismissed. (July 13, 1999) [See 10 FCC Rcd at 12761-2762.] Wade Communications, Inc. - Request for refund of the application fee for a new FM radio station. Denied. (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).] Wagonwheel Communications Corp. - Request for refund of FY 1998 regulatory fee for a FM radio station 960925MD, Green River, WY. Granted. (October 19, 1999) WCNET, Inc. - Request for a waiver of the late charge penalty payment of the FY 1998 regulatory fee. Denied. (November 18, 1999) WCNR 930 AM - Request for waiver and refund of FY 1998 regulatory fee. Denied. (October 26, 1999) WCRK-AM - Request for a waiver of the late charge penalty payment of the FY 1998 regulatory fee. Denied. (November 18, 1999) Western Community TV - Request for reduction, waiver and refund in reference to rebate of regulatory fee. Dismissed. (November 18, 1999) [See 47 C.F.R. 1.1166 and 1.1167. See also 47 U.S.C.] White Mountain Communications - Request for waiver of filing all regulatory fees for a White Mountain Communication at Roswell, NM. Dismissed. (July 13, 1999) [See Implementation of Section 9 of the Communications Act, 10 FCC 12762 paragraph 14 (1995).] Whitehall Broadcasting Company- Request for waiver of the late chare penalty payment of the FY 1998 regulatory fee on WAAM-AM at Ann Arbor, MI. Denied. (November 18, 1999) Winnett Community TV System - Request for exemption of regulatory fees for Winnett Community TV System at Winnett, MT. Granted. (July 13, 1999) [See Section 1.1162(b).] WIZK - Request for waiver of FY 1998 regulatory fees for WIZKAM at Bay

Springs, MS. Granted. (September 16, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257, (1995).] WMEI - Request for waiver of FY 1998 regulatory fees for WMEI television station at Arecibo, PR. Denied. (August 10, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).] Young Broadcasting of Lansing - Request for waiver of late charge penalty payment of the FY 1998 regulatory fees for WLNS at Lansing, MI Denied. (November 18, 1999) NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE CREDIT & DEBT MANAGEMENT CENTER AT (202) 418-1995

EXHIBIT #2 P 8

Vernal Enterprises, Inc
P.O. Box 1032
Indiana, PA 15701
724-543-1380

EXHIBIT #3 P 1

VIA FAX 202-418-1411

October 28, 2001

Marva Dyson
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Dear Ms. Dyson:

This letter references Vernal Enterprises, Inc's (Vernal) letter of April 17, 2000 (copy attached) seeking a full fee refund of \$2335.00 in connection with its dismissed 301 application for new FM facilities at Brookville, PA. Vernal hereby desires to offer additional information and facts supporting its request.

Vernal's refund grant would be **entirely** consistent with the Commission's grant made to Robert M. Stevens (Stevens), where Stevens, as Vernal, was also a mutually exclusive applicant for the stated Brookville, PA facilities. Stevens, as Vernal, participated in the Joint Petition for Approval of Settlement Agreement filed on January 30, 1998. The joint Agreement was granted by the Commission by public notice released April 16, 1998. The joint Agreement dismissed the Stevens, as well as Vernal's application, and granted the application of Renda Radio.

Subsequently, Stevens sought from the Commission, the refund of his application fees, in connection with his dismissed Brookville application. Stevens request was **granted** on July 15, 1999. The Commission made public this fact by its public notice, *Fee Decisions of the Managing Director*, released February 14, 2000 (copy attached). In relevant part the notice states:

Stevens, Robert M. Request for refund of the application fees for a new FM Station at Brookville, PA. Granted. (July 15, 1999) (See Implementation of Section 309(j) of the Communications Act Competitive Bidding for Commercial Broadcast And Instructional Television Fixed Service Licenses, 13FCC Rcd 15920, 15957(1998); see also 47CFR 1.1113(a)(4).)

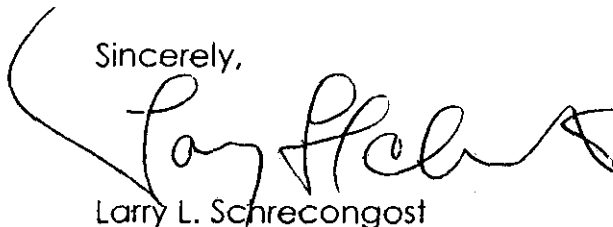
Marva Dyson
Federal Communications Commission
October 28, 2001
Page 2

EXHIBIT #3 P 2

Vernal submits, that it has proven its standing and eligibility for the full return of its \$2335.00 application fee, presented with its subsequently dismissed application for FM Channel 277B1, Brookville, PA.

Accordingly, Vernal's application, in all respects, is **identically** situated to that of Stevens, and in view of its longstanding request (April 17, 2000), should be granted without additional delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Schrecongost", with a large, sweeping flourish extending from the left side of the signature.

Larry L. Schrecongost

Attachments:

- Copy of Vernal letter of April 17, 2000 (3 pages)
- Copy of FCC Public Notice dated February 14, 2000 (5 pages)



PUBLIC NOTICE

Federal Communications Commission
445 12th Street N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL
News media information 202/418-2830
Fax-On-Demand 202/418-2830
Internet: <http://www.fcc.gov>
<ftp://ftp.fcc.gov>

DA - 00-275

86-285

EXHIBIT #4 P 1

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: February 14, 2000

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

ACME Television, LLC. - Request for refund of application fee for Acme Television, LLC at. **Denied.** (November 18, 1999)

Aerial Communications, Inc. - Request for waiver and deferment of FY 1999 regulatory fees for Aerial Communications, Inc. at Chicago, IL. **Denied and granted** respectively. (December 9, 1999) [See Implementation of Section 9 of the Communication Act, 10 FCC Rcd 12759, 12762 (1995); See also, Implementation of Section 9 Communications Act, 9 FCC Rcd 5333, 5345 (1994).]

ARDIS Company - Request for refund and waiver or reduction of late charge penalty payment of FY 1998 regulatory fees for ARDIS Company at Lincolnshire, IL. **Denied.** (November 18, 1999)

Bisbee Mountain Translator Association - Request for deferment and waiver of the FY 1998 regulatory fees on KO8HY, K10GJ, and K131Q at Colville, WA. **Granted.** (December 7, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257, 16, released June 22, 1995.]

BK Radio - Request for refund of application fee for BK Radio at Wake Village, TX. **Granted.** (September 16, 1999) [See Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957 (1998); see also 47 C.F.R. 1.1113(a)(4).]

Bonneville Holding Company - Request for permanent reduction of regulatory fee for KCSG-TV at Cedar City, UT. **Denied.** (December 17, 1999) [See Implementation of Section 9 Communications Act, 9 FCC Rcd 5333, 5345 (1994).]

Booth American Company - Request for reconsideration dated September 15, 1998 for Booth American Company at Detroit, MI. **Denied.** (July 15, 1999) [See Implementation of Section 9 of the Communications Act—Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 9 FCC Rcd 5333, 5351-52 (1994); See also 47 C.F.R. 1.1106(7).]

Brunson Communications - Request for waiver or refund of regulatory fee. **Dismissed.** (December 7, 1999)

Cellular Unreserved Areas - Request for refund of application fees for Cellular Unreserved Areas at Los Angeles, CA and Minneapolis, MN. **Denied.** (December 20, 1999.) [See Establishment of a Fee Collection Program to Implement the Provision of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947,949 (1987).]

Citizens Communications - Request for waiver of the late penalties for certain FY 1996 and 1997 regulatory fees for Citizen Communications at Dallas, TX. **Denied.** (June 22, 1999) [See 47 U.S.C. 159 (c) (1).]

Colorado Communications, Corp. - Request for reduction of FY 1998 regulatory fee for KBNO at Denver, CO. **Dismissed.** (April 20, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995); see also 10 FCC Rcd at 12761-2762.]

Columbia Communications, Corp. - Request for payment of interest on portion regulatory fees refunded for FY 1994 through FY 1998. **Denied.** (November 18, 1999) [See 47 U.S.C. 159.]

Costa de Oro Television, Inc. - Request for refund filing fee for KSTV-TV at Ventura, CA. **Granted.** (July 13, 1999) [See 47 C.F.R. Section 1.1104(h) and 1.1113 (a)(1).]

Dietz, Lester J. - Request for waiver of the regulatory fee for Lester J. Dietz at North Mendocino County, CA. **Denied.** (August 10, 1999) [See Implementation of Section 9 Communications Act, 10 FCC Rcd 12759, 12762 16 (1995).]

Estate of Quinton W. Goode. - Request for waiver of filing fee. **Denied.** (July 15, 1999) [See 47 C.F.R. 1.1115 (c) (d), 1.1113 and 1.1117 (a); See also Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994).]

First Greenville Corporation - Request for waiver and refund of the FY 1994, 1995, 1996, 1997, and 1998 regulatory fee for KGVJ and KIKT-FM at Greenville, TX. **FY 1994-1997 were Dismissed. FY 1998 was Granted.** (December 7, 1999) [See 47 C.F.R. 1.1166(c). See also, Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Florida Media Broadcasters, Inc. - Request for waiver of FY 1998 regulatory fee for WNTD at Daytona, FL. **Dismissed.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.]

Garden Valley Telephone Company - Request for a refund of the FY 1994 and 1995 regulatory fee for Garden Valley Telephone Company at Erskine, MN. **Granted.** (September 13, 1999)

Giannettino, John - Request for waiver of FY 1997 regulatory fee for KCPS-AM at Burlington, IA. **Denied.** (September 16, 1999) [See Report and Order In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1997, MD Doc

No. 96-186, 12 FCC Rcd. 17161 (1997).]

Hancock Broadcasting - Request for defer payment of the FY 1997 regulatory fees for WSBL at Bay St. Louis, MS. **Denied.** (May 14, 1999)

Happy Broadcasting Company - Request for waiver of regulatory fee for WPWC at Dumfries, VA. **Denied.** (December 1, 1999) [See 47 C.F.R. 1.1164 and 1.1166.]

Happy Broadcasting Company - Request for waiver of the FY 1997 regulatory fee for WPWC at Dumfries, VA. **Dismiss.** (May 11, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.]

Heartland Communications - Request for refund of the application fee for a new FM Radio Station. **Denied.** (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).]

I-Link Communications, Inc. - Request for extension of time of the FY 1998 regulatory fees for I-Link Communications, Inc at Phoenix, AZ. **Denied.** (June 22, 1999.) [See 47 U.S.C. 159 (c)(1).]

Jasas Broadcasting, 27, LP - Request for reduction and partial refund of the FY 1996, 1997, and 1998 regulatory fees for WUNI at Worcester, MA. **Denied.** (May 14, 1999)

Jones College - Request for waiver of the late penalty payment of the FY 1998 regulatory fees for WKTZ and WJAX at Jacksonville, FL. **Denied.** (December 17, 1999)

KCCB - Request for waiver of FY 1998 regulatory fees for KCCB at Corning, AR. **Granted.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257 15 released June 25, 1995.]

KCLJ-TV - Request for waiver of the late penalty payment for FY 1998 regulatory fee for KCLJ-TV at Neosha, MO. **Granted.** (May 4, 1999)

KGvy - Request for refund of the FY 1998 regulatory fee for KGvy at Green Valley, AZ. **Granted.** (December 7, 1999)

King Broadcasting - Request for reduction and partial refund of the FY 1994, 1995 and reduction of FY 1997 regulatory fees for KBIM at Rosewell, NM. **Granted.** (June 22, 1999)

KJOP-AM - Request for waiver of the FY 1998 regulatory fee for KJOP-AM at Leemore, CA. **Dismiss.** (May 4, 1999)

KMFG-FM - Request for reduction of waiver of FY 1998 regulatory fee for KMFG-FM at Nashwauk, MN. **Denied.** (May 4, 1999)

KRZI and KEYR - Request for waiver of the FY 1997 regulatory fees for KRZI and KEYR at Waco, TX. **Denied.** (December 10, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

KTC Broadcasting, Inc. - Request for partial refund of the FY 1997 regulatory fees for WGNC at Gastonia, NC. **Denied.** (April 20, 1999)

L M Communications, Inc. - Request for waiver of late penalty for FY 1998 regulatory fees for WYBB-FM, WNST-FM, WLXG-AM, and WGKS-FM at Charleston, SC. **Granted.** (November 18, 1999)

L M Communications, Inc. - Request for waiver of late penalty for FY 1998 regulatory fees for WYBB-FM, WNST-FM, WLXG-AM, and WGKS-FM at Charleston, SC. **Denied.** (April 20, 1999) [See 47 U.S.C. 159 (c) (1).]

Lampasas Radio. - Request for waiver of FY 1997 regulatory fees for KCYL-AM at Lampasas, TX and for the construction permit for KACQ-FM at Lomata, TX, and for an associated Radio auxiliary Station. **Denied.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 ¶ 34, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995), 12764 (1995).]

Las Raices Pepinianas, Inc. - Request for a deferment and reduction of the FY 1997 regulatory fees for WLRP-AM at San Sebastian, PR. **Dismissed.** (June 22, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also 10 FCC Rcd at 12761-2762.]

Lonerock Television Company - Request for waiver of the FY 1998 regulatory fees for Lonerock Television Company at Condon, OR. **Denied.** (November 18, 1999) [See Implementation of Section 9 of the Communication Act, 9 FCC Rcd 5333, 5345 (1994).]

Long Family Partnership - Request for waiver of the FY 1998 regulatory fees for Lonerock Television Company at Condon, OR. **Denied.** (November 18, 1999) [See Implementation of Section 9 of the Communication Act, 9 FCC Rcd 5333, 5345 (1994).]

Mark Media, Inc. - Request for a reduction and partial refund of FY 1997 regulatory fee for WKYK at Burnsville, NC. **Denied.** (April 20, 1999)

Middleton Radio - Request for refund of application fee for a new FM radio station. **Denied.** (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).]

Migala Communications, Inc. - Request for waiver of FY 1997 and FY 1998 regulatory fee for WCEV at Cicero, IL. **Denied.** (October 26, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 (1994), 10 FCC Rcd 12759, 12764 (1995). See also, 47 C.F.R. Section 73.21.]

Mountain Valley Media, Inc. - Request for a reduction and partial refund of the FY 1997 regulatory fees for WTOE at Spruce Pine, NC. **Denied.** (August 10, 1999)

Multimedia, Inc. - Request for refund of the FY 1998 regulatory fee for KNAZ-TV at Flagstaff, AZ. **Granted.** (July 15, 1999)

New Age General Partners - Request for refund of the filing fee filed by Romulus Engineering. **Granted.** (June 15, 1999) [See 47 C.F.R. Section 1.1113 (a)(4); Establishment of a Fee Collection Program to Implement the Provision of the Consolidated Omnibus Reconciliation Act 1985, 2 FCC Rcd 947, 950 (1987), reconsidered in part, 3 FCC Rcd 5987, 5988 (1988); see also Amendment of the Commission's Rules Regarding Multiple Address System, 13 FCC Rcd 17954 (1998); Refund of Application Fees for 932-932.5/941-941.5 MHZ Multiple Address System Applications, (October 1, 1998) (WESTLAW library)(“Public Notice”).]

Northeast Radio, Inc. - Request for waiver of FY 1998 regulatory fee for AM Radio Station WCAP, Lowell, MA. **Denied.** (October 26, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.]

Orbital Communication Corporation, Inc. - Request for reduction of the FY 1998 regulatory fees. **Denied.** (June 22, 1999) [See Assessment and Collection of Regulatory Fees for Fiscal Year 1997, FCC 97-215 ¶¶ 73-75 (June 26, 1997); see also 47 C.F.R. 1.1164 (c) and (d).]

PanAmSat Licensee Corp. - Request for waiver of application fee for PAS-10 Ka-band and waiver of the application fee for PAS-12 C/Ku band satellites. **Denied.** Request for waiver of application fee for PAS-21, a hybrid

C/Ku band satellite that will be collocated with PAS-6 at 68.5 E.L. **Denied.** Request for refund of eight of eleven GSO satellites. **Denied.** Request for refund of three of eleven GSO satellites. **Granted.** (July 15, 1999)

Paxson Decatur License, Inc. - Request for refund of the FY 1998 regulatory fees for WPXU (TV) **Denied.** (July 15, 1999.) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759 (1995), the Commission amended Section 1.1162(c) of the Rules, 47 C.F.R. 1.1162(c); See also 47 C.F.R. 1.1162(c) (1) and (2).]

Phillips Broadcasting Co. Inc. - Request for refund of the filing fee submitted with application for extension of Construction Permit. **Denied.** (November 18, 1999) [See The Report and Order ("Streamlining of Mass Media Applications, Rules, and Processes"), MM Docket No. 98-43, FCC 98-281 (Released Nov 25, 1998).]

Ponce Broadcasting Corp. - Request for waiver or reduction of FY 1998 regulatory fees for Puerto Rican Radio Stations, WZAR-FM, WLEO-AM, WKFE-AM, WLEY-AM, and WZUR-AM. **Denied.** (September 16, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Pro-Radio, Inc. - Request for waiver of FY 1997 regulatory fee for WFAD-AM and WMNM-FM at Middlebury, VT. **Granted.** (October 19, 1999.) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762, Section 14 (1995).]

Reading Broadcasting, Inc. - Request for reduction of FY 1998 regulatory fee for WTVE at Reading, PA. **Granted.** (May 4, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Skytel Corp. - Request for waiver of "per call sign" fee. **Denied.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 9 FCC Rcd 6957, 6970 (1994) (the Commission applied the analysis of the Section 8 (d)(2) standard to its discussion of the Section 9(d) waiver). See In the Matter of Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989, 5 FCC Rcd 3558, 3574 (1990). See also Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Reconciliation Act of 1985, 2 FCC Rcd 961 (1987).]

Socorro Satellite Systems - Request for partial waiver of the FY 1998 regulatory fees. **Denied.** (December 17, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).]

Stevens, Robert M. - Request for refund of the application fees for a new FM station at Brookville, PA. **Granted.** (July 15, 1999) [See Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957(1998); see also 47 C.F.R. § 1.1113(a)(4).]

Stevens, Robert M. - Request for refund of the application fees for a new FM station at Barnesboro, PA. **Granted.** (July 21, 1999) [See Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957(1998); see also 47 C.F.R. § 1.1113(a)(4).]

Television Properties, Inc. - Request for partial waiver of the FY 1998 regulatory fees for WHCP-TV at Portsmouth, OH. **Denied.** (May 14, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).]

TelQuest Satellite Services, LLC - Request for fee determination in connection with its application to deploy multiple technically identical receive-only earth stations. **Determined.** (July 6, 1999) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act 1985. 2 FCC Rcd 947, 948, and 961 (1987); see Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States. IB Docket 96-11 (Released May 14, 1996) (¶ 80); see also 47 C.F.R. 1.1117 and 1.107 (6)(a). Section 0.231(a) of the Commission's rules.]

TSR Wireless, LLC. - Request for refund of filing fee for call sign KNKB250. **Granted.** (December 20, 1999)

Turnpike Television - Request for refund of a filing fee submitted in connection with its applications for special temporary authority for W28AS at Wheeling, WV. **Granted.** (July 15, 1999). [See Establishment of a Fee Collection Program. 2 FCC Rcd 947, 949 (1987), recon. Denied, 3 FCC Rcd 5987 (1988); see also, 47 C.F.R. 1.1113(a).]

United Broadcasting Enterprise, Inc. - Request for partial refund of the FY 1997 regulatory fees for WISE at Asheville, NC and WTZQ at Hendersonville, NC. **Denied.** (April 20, 1999)

V.I. Stereo Communications Corp. - Request for waiver of FY 1998 regulatory fees for WVIS at Christiansted, St. Croix, U.S.V.I. **Dismissed.** (July 13, 1999) [See 10 FCC Rcd at 12761-2762.]

Wade Communications, Inc. - Request for refund of the application fee for a new FM radio station. **Denied.** (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).]

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE CREDIT & DEBT MANAGEMENT CENTER AT (202) 418-1995

Wagonwheel Communications Corp. - Request for refund of FY 1998 regulatory fee for a FM radio station 960925MD, Green River, WY. **Granted.** (October 19, 1999)

WCNET, Inc. - Request for a waiver of the late charge penalty payment of the FY 1998 regulatory fee. **Denied.** (November 18, 1999)

WCNR 930 AM - Request for waiver and refund of FY 1998 regulatory fee. **Denied.** (October 26, 1999)

WCRK-AM - Request for a waiver of the late charge penalty payment of the FY 1998 regulatory fee. **Denied.** (November 18, 1999)

Western Community TV - Request for reduction, waiver and refund in reference to rebate of regulatory fee. **Dismissed.** (November 18, 1999) [See 47 C.F.R. 1.1166 and 1.1167. See also 47 U.S.C.]

White Mountain Communications - Request for waiver of filing all regulatory fees for a White Mountain Communication at Roswell, NM. **Dismissed.** (July 13, 1999) [See Implementation of Section 9 of the Communications Act, 10 FCC 12762 paragraph 14 (1995).]

Whitehall Broadcasting Company - Request for waiver of the late charge penalty payment of the FY 1998 regulatory fee on WAAM-AM at Ann Arbor, MI. **Denied.** (November 18, 1999)

Winnett Community TV System - Request for exemption of regulatory fees for Winnett Community TV System at Winnett, MT. **Granted.** (July 13, 1999) [See Section 1.1162(b).]

WIZK - Request for waiver of FY 1998 regulatory fees for WIZKAM at Bay Springs, MS. **Granted.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257, (1995).]

WMEI - Request for waiver of FY 1998 regulatory fees for WMEI television station at Arecibo, PR. **Denied.** (August 10, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).]

Young Broadcasting of Lansing - Request for waiver of late charge penalty payment of the FY 1998 regulatory fees for WLNS at Lansing, MI **Denied.** (November 18, 1999)

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Shainis & Heltzman, Chartered

Counselors at Law

Suite 290

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Washington, D.C. 20036

(202) 293-0011

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Aaron H. Shainis
Lee J. Heltzman

Of Counsel

William H. DuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

October 14, 1998

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, D.C. 20554

Re: Request for Refund of Application Fee
BK Radio
Wake Village, Texas
BPH-970701ME

RECEIVED

OCT 15 3 11 PM '98

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(M10-50)

Dear Mr. Fishel:

This letter is submitted on behalf of BK Radio ("BK"), a former applicant for a new FM construction permit at Wake Village, Texas. By this letter, BK requests the refund of its application fee submitted to the Commission as part of that Wake Village, Texas application. A brief synopsis of the facts follows.

On July 1, 1997, BK filed its application for a new FM construction permit at Wake Village, Texas. A total of nine applications were received by the Commission. None of them was reviewed or accepted for filing. As part of BK's Wake Village filing, it paid a Two Thousand Four Hundred Seventy Dollar (\$2,470.00) filing fee to the Federal Communications Commission. See Attachment A. As noted, the application was not accepted for filing. Rather, on January 29, 1998, the nine applicants filed a Joint Request for Approval of Settlement Agreements with the Commission, contemplating the grant of the application of Houston Christian Broadcasting, Inc. ("Houston"). As part of the Joint Request, BK requested dismissal of its application. The Commission, on April 16, 1998, released a Public Notice which granted the Joint Request, dismissed BK's application, and granted the application of Houston. See Attachment B.

BK paid its application fee in anticipation that its application would be reviewed and granted, or, if found to be mutually exclusive, would be designated for hearing. BK did not file with knowledge that the Wake Village channel would be awarded by auction. When BK became aware that its application would not undergo a comparative hearing, it made the decision to dismiss its application as part of an overall settlement. Therefore, in light of the facts presented,

Shainis & Peltzman, Chartered

Mr. Andrew S. Fishel
October 14, 1998
Page Two

EXHIBIT #5 P 2

BK respectfully requests that the Commission refund its application fee in the amount of \$2,470.00.¹

If the Commission has any questions with respect to this request, kindly contact the undersigned.

Sincerely yours,


Lee J. Peltzman
Counsel for
BK Radio

Enclosures

¹ The Commission has noted that it will refund filing fees paid by applicants who do not participate in an auction, stating that such refunds are premised on the fact such applications were filed in anticipation of hearings which were not held. See Implementation of Section 309(j) of the Communications Act, FCC 98-194, released August 18, 1998 at paras. 101, 103. The same principle applies here as well. It should also be noted that BK filed its application in anticipation that the Commission would utilize the services of its personnel in reviewing that application. Since no review occurred here -- BK's application was never accepted for filing -- it is only fair and equitable that it be reimbursed its filing fee.

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Shainis & Heltzman, Chartered

Counselors at Law

Suite 290

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Washington, D.C. 20036

(202) 293-0011

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Aaron H. Shainis
Lee J. Heltzman

Of Counsel

William H. BuRosa, III
Ruth S. Baker-Battist
Robert J. Keller

EXHIBIT #6 P 1

October 14, 1998

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

OCT 15 3 11 PM '98

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(110-FU)

Re: Request for Refund of Application Fee
Alan R. Quarnstrom
Siren, Wisconsin
BPH-970325MD

Dear Mr. Fishel:

This letter is submitted on behalf of Alan R. Quarnstrom ("Quarnstrom"), former applicant for a new FM construction permit at Siren, Wisconsin. By this letter, Quarnstrom requests the refund of his application fee submitted to the Commission as part of that Siren, Wisconsin application. A brief synopsis of the facts follows.

On March 25, 1997, Quarnstrom filed his application for a new FM construction permit on Channel 289 at Siren, Wisconsin. A total of four applications were received by the Commission. None of them was reviewed or accepted for filing at that time. As part of Quarnstrom's Siren filing, he paid a Two Thousand Four Hundred Seventy Dollar (\$2,470.00) filing fee to the Federal Communications Commission. See Attachment A (copy of March 24, 1997 check to FCC in the amount of \$2,470.00). As noted, his application was not accepted for filing. Years later, on January 30, 1998, the four applicants filed a Joint Request for Approval of Settlement Agreements with the Commission, contemplating the grant of the application of Marigen E. Anderson.¹ As part of the Settlement Agreements, Quarnstrom requested dismissal of his application. The Commission, on April 16, 1998, released a Public Notice which approved the Joint Request, dismissed Quarnstrom's application, and granted the application of Casey, as amended. See Attachment B.

¹ The Anderson application was eventually amended to become Casey Communications, Inc. ("Casey").

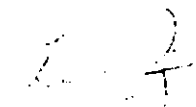
Shainis & Peltzman, Chartered

Mr. Andrew S. Fishel
October 19, 1998
Page Two

decision to dismiss his application as part of an overall settlement. Therefore, in light of the facts presented, Stevens respectfully requests that the Commission refund his application fee in the amount of \$2,335.00.¹

If the Commission has any questions with respect to this request, kindly contact the undersigned.

Sincerely yours,


Lee J. Peltzman
Counsel for
Robert M. Stevens

Enclosures

¹ The Commission has noted that it will refund filing fees paid by applicants who do not participate in an auction, stating that such refunds are premised on the fact such applications were filed in anticipation of hearings which were not held. See Implementation of Section 309(j) of the Communications Act, FCC 98-194, released August 18, 1998 at paras. 101, 103. The same principle applies here as well since Stevens dismissed his application so that he would not have to participate in an auction. It should also be noted that Stevens filed his application in anticipation that the Commission would utilize the services of its personnel in reviewing his application. Since no review occurred here -- Stevens' application was never accepted for filing -- it is only fair and equitable that he be reimbursed his filing fee.

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RECEIVED

Shainis & Meltzman, Chartered

OCT 19 1998

Counselors at Law

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Washington, D.C. 20036

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Of Counsel

William H. BuRoss, III

Ruth S. Baker-Battist

Robert J. Keller

Aaron P. Shainis
Lee J. Meltzman

October 19, 1998

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, D.C. 20554Re: **Request for Refund of Application Fee**
Robert M. Stevens
Barnesboro, Pennsylvania
BPH-960517MA

Dear Mr. Fishel:

This letter is submitted on behalf of Robert M. Stevens ("Stevens"), former applicant for a new FM construction permit at Barnesboro, Pennsylvania. By this letter, Stevens requests the refund of his application fee submitted to the Commission as part of that Barnesboro, Pennsylvania application. A brief synopsis of the facts follows.

On May 17, 1996, Stevens filed his application for a new FM construction permit on Channel 228 at Barnesboro, Pennsylvania. A total of four applications were received by the Commission. None of them was reviewed or accepted for filing at that time. As part of Stevens' Barnesboro filing, he paid a Two Thousand Three Hundred Thirty-five Dollar (\$2,335.00) filing fee to the Federal Communications Commission. See Attachment A (copy of May 15, 1996 check to FCC in the amount of \$2,335.00). As noted, his application was not accepted for filing. Years later, on January 30, 1998, the four applicants filed a Joint Request for Approval of Settlement Agreement with the Commission, contemplating the grant of the application of Vernal Enterprises, Inc. As part of his Settlement Agreement, Stevens requested dismissal of his application. The Commission, on April 16, 1998, released a Public Notice which approved the Joint Request, dismissed Stevens' application, and granted the application of Vernal Enterprises, Inc. See Attachment B.

Stevens paid his application fee in anticipation that his application would be reviewed and granted, or, if found to be mutually exclusive, would be designated for hearing. Stevens did not file with knowledge that the Barnesboro channel would be awarded by auction. When Stevens

ORIGINAL

EXHIBIT #8 P 1

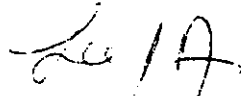
Shainis & Peltzman, Chartered

Mr. Andrew S. Fishel
October 19, 1998
Page Two

became aware that his application would not undergo a comparative hearing, he made the decision to dismiss his application as part of an overall settlement. Therefore, in light of the facts presented, Stevens respectfully requests that the Commission refund his application fee in the amount of \$2,335.00.¹

If the Commission has any questions with respect to this request, kindly contact the undersigned.

Sincerely yours,



Lee J. Peltzman
Counsel for
Robert M. Stevens

Enclosures

¹ The Commission has noted that it will refund filing fees paid by applicants who do not participate in an auction, stating that such refunds are premised on the fact such applications were filed in anticipation of hearings which were not held. See Implementation of Section 309(j) of the Communications Act, FCC 98-194, released August 18, 1998 at paras. 101, 103. The same principle applies here as well since Stevens dismissed his application so that he would not have to participate in an auction. It should also be noted that Stevens filed his application in anticipation that the Commission would utilize the services of its personnel in reviewing his application. Since no review occurred here -- Stevens' application was never accepted for filing -- it is only fair and equitable that he be reimbursed his filing fee.